



MARTIN O'MALLEY
GOVERNOR

STATE HOUSE
100 STATE CIRCLE
ANNAPOLIS, MARYLAND 21401-1925
(410) 974-3901
(TOLL FREE) 1-800-811-8336

TTY USERS CALL VIA MD RELAY

MEA RFP DEXR8200165

Questions by contractors

- 1) We are wondering if you can provide more clarity regarding Section 1.24? We understand in principle the 10% participation goal for an MBE subcontractor. However, since we are submitting hourly rate information as part of the proposal (rather than level of effort), we are uncertain how to address the 10% goal. In addition, have you established how the 10% goal relates to the task orders? In other words, is the 10% goal an aggregate goal for the entire project, will there be a per task requirement, or some other approach?

Section 1.24 provides basic information concerning the contractual obligation of each offeror to commit to the contract goal of 10%. Attachment D to the RFP provides the details.

How each offeror will achieve that goal is up to each offeror to decide how to best utilize their MBE subcontractors. The 10% goal is an aggregate goal for the entire term of the contract that will result in at least 10% of the total dollars spent with the prime contractor will be for its selected Maryland Certified Minority Business subcontract partner.

The State has not specified a specific goal for each task. For example, you may determine that some tasks may be 60% MBE participation while others may be 5%. So, as long as in the aggregate you at least commit to the 10% goal, each offeror is free to decide how best to meet it.

- 2) What is estimation of travel parameters that we need to cover? Your answer was local to the DC/Balt/Annapolis triangle with no extended travel forecast.
Detailed travel parameters can not be estimated. The State requires each offeror to provide fully-loaded labor hour rates that should cover all anticipated costs for work to be performed as a result of this contract. Typically work will be required either at the Contractor's facilities or on-site at our Annapolis office. Other potential activities may require the Contractor to provide a person to assist MEA during legislative hearings or testimony before legislative or executive bodies and most typically in Annapolis.
- 3) The one I didn't ask since it is clear it can't be answered but makes our responses very tough is a real sense of demand for support. It is not clear if I can project 3-4 people as experts to support the process or if I need a stable of 20-30 and if the later can I add them as the project goes on. With Walt's answer that he can forecast generally that he expects a lot of work from start-Nov on Empower and RGGI but RGGI might slip to the spring, it is difficult to forecast any minimum or max body count for our specialists.
The State is not seeking a contractor to commit to any number of staff. At this time, the State can not provide any actual commitment for actual staffing necessary. It is expected that as task orders are issued to the Contractor, the Contractor will have resources available either through its own staff or that of its subcontractors. If it is necessary to ramp up for a specific task, the task order process provides the opportunity for the Contractor to provide its estimated time frame to identify the personnel and perform

the task. (See RFP Section 3.2.5.1) The State would expect that a core group of personnel will be reasonably available to perform a task within the stated time frames requested by the State. The State will attempt to provide as much advanced notice in its task order to allow the Contractor adequate time to ramp-up for a task.

- 4) Section 1.2.m states the following: **“Project Manager – The person designated as the single point-of-contact in the Offeror’s proposal with the authority and knowledge to resolve contract matters on behalf of the Contractor that are not technical in nature. *The Contractor may not directly bill the State for any time or activities of the Project Manager*”** Question: The project manager is included in the pricing formula calculation and we would normally expect to bill for such time. When you state that the contractor may not directly bill the State for any time or activities of the project manager what are you actually referring to? If we cannot bill for the project manager’s time why is this position including in the pricing formula?
The definition is revised to delete the sentence. See Addendum #1.
- 5) I do not see any requirement for PE (Professional Engineer) stated in the RFP. Is this correct?
Yes, this is correct. While the State has not identified a specific requirement for a Professional Engineer as a separate personnel labor classification, it has listed “engineering” as one of the qualifying skill categories for the “Project Manager”, “Senior Program Analyst”, “Program Analyst”, and “Junior Program Analyst” listed in Section 3.4.3 of the RFP.
- 6) If a subcontractor provides services in Tasks 1, 2 and 4, but does not participate in Task 3 (preparing the RFPs), is the subcontractor allowed to bid on the future requirements?

The subcontractor may not be allowed to bid on future RFP’s. However, as referenced in the State Ethics Law below, this will be decided on a case-by-case basis.

The State Ethics Law (Md. Code Ann., State Gov’t Title 15 (Supp. 2007) contains restrictions against participation in some procurements activities. Section 15-508 of the Ethics law provides that “an individual or a person that employs an individual who assists an executive unit in the drafting of specifications, an invitation for bids, a request for proposals for a procurement, or the selection or award made in response to an invitation for bids or request for proposals may not: (1) submit a bid or proposal for that procurement; or (2) assist or represent another person, directly or indirectly, who is submitting a bid or proposal for that procurement.” There are exemptions from this prohibition, as listed in 15-508(b)(1)-(5). The State Ethics Commission makes determinations regarding the application of this provision on a case-by-case basis and after a review of the facts and circumstances of each situation. Participation in activities or tasks that become the basis for specifications or other procurement documents and activities may be considered to be “assistance” for the purposes of applying the prohibitions of 15-508. In making such a determination, the Commission may consider facts that include, but are not limited to, the nature of the input, the frequency and timing of the input, and the nature of the process, including, for example, whether there was access to draft specification documents.

- 7) What is the horizon for plans being submitted by the utilities (i.e. is it 2009 plan, a 3 year plan, etc.) (MEA)

The horizon for plans submitted by the utilities in the fall of 2008 will cover a three year period from 2009 through 2011 per the EmPOWER Maryland Energy Efficiency Act of 2008.